

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SERGEANTS BENEVOLENT ASSOCIATION  
HEALTH & WELFARE FUND, individually and on  
behalf of itself and all others similarly situated,

Plaintiff,

-against-

15 Civ. 6549 (CM)

ACTAVIS, PLC, and FOREST LABORATORIES,  
LLC, MERZ PHARMA GMBH & CO. KGAA, MERZ  
GMBH & CO. KGAA, MERZ PHARMACEUTICALS  
GMBH, AMNEAL PHARMACEUTICALS, LLC,  
TEVA PHARMACEUTICAL INDUSTRIES, LTD.,  
BARR PHARMACEUTICALS, INC., COBALT  
LABORATORIES, INC., UPSHER-SMITH  
LABORATORIES, INC., WOCKHARDT LIMITED,  
WOCKHARDT USA LLC, SUN PHARMACEUTICALS  
INDUSTRIES, LTD., DR. REDDY'S LABORATORIES  
LTD., AND DR. REDDY'S LABORATORIES INC.,

Defendants.

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**ORDER GRANTING GENERIC DEFENDANTS' MOTION AND  
SETTING SUPPLEMENTAL BRIEFING SCHEDULE**

McMahon, C.J.:

On September 10, 2018, this Court lifted the stay that had been in place since September 13, 2016 and referred the case to the Honorable Robert W. Lehrburger for limited discovery, in order to allow the parties to set a date for mediation after January 1, 2019. (Dkt. 122.) At that time, the Court also indicated that it would review the pending motions to dismiss the Indirect Purchaser Plaintiff's claims. (*Id.*)

On October 3, 2018, the Generic Defendants filed a motion to renew their motion to dismiss and for leave to file a supplemental memorandum of law in order to update their motion papers. (Dkt. 129; Dkt. 130, at 1.)

The Court agrees with the Generic Defendants that intervening events in the Direct Purchaser action and new case law in the Second Circuit warrant supplemental briefing. At the same time, the Court is mindful of its previous order, which anticipates that the parties will conclude discovery quickly so as to facilitate mediation. Accordingly, this Court GRANTS the Generic Defendants' motion to renew, GRANTS their motion for leave to file a supplemental memorandum, and ORDERS the following briefing schedule:

- Any Defendant wishing to submit a supplemental memorandum of law in support of its motion to dismiss must do so by Thursday, October 11.
- Memoranda of law in opposition are due by Thursday, October 18.
- Reply papers must be submitted by Tuesday, October 23.

The Court encourages the parties to reference its Individual Practices and Procedures, particularly Rule IV.E. As these are supplemental briefs, motions to exceed page limits will not be granted absent compelling circumstances.

Dated: October 4, 2018



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Chief Judge

BY ECF TO ALL PARTIES